

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES E. WARD, ET AL.,

No. C-13-01735 (DMR)

Plaintiff(s),

v.

GREGORY ALAN PICKETT, ET AL.,

Defendant(s).

**ORDER DISCHARGING ORDER TO
SHOW CAUSE [DOCKET NO. 15];
EXTENDING BRIEFING SCHEDULE
ON WELLS FARGO'S MOTION TO
DISMISS [DOCKET NO. 8]; AND
RESETTING HEARING DATES ON
BOTH MOTIONS TO DISMISS
[DOCKET NOS. 8 AND 16]**

TO ALL PARTIES AND COUNSEL OF RECORD:

On May 14, 2013, Defendant Wells Fargo (successor by merger to the Wachovia Mortgage, FSB, which was improperly sued as "Wachovia National Bank") filed a motion to dismiss ("Wells Fargo Motion to Dismiss"). [Docket No. 8.] The hearing date on that motion was originally set for June 27, 2013 at 11:00 a.m. Plaintiffs failed to file a response to the motion by May 28, 2013, the date on which any such response was due. On May 30, 2013, the court ordered Plaintiffs to show cause for their failure to respond to the motion by June 6, 2013 ("Order to Show Cause"). [Docket No. 15.] On June 6, 2013, Plaintiffs responded to the Order to Show Cause and stated that a scheduling error had caused Plaintiffs' counsel to miss the response deadline. Plaintiffs counsel contacted counsel for Wells Fargo, which agreed to continue the dates for the Wells Fargo Motion to Dismiss. On June 7, 2013, Plaintiffs and Wells Fargo filed a request for extension of time to respond to the Wells Fargo Motion to Dismiss. [Docket No. 20.]

1 On June 4, 2013, Defendant Erin Rothfuss filed a motion to dismiss (“Rothfuss Motion to
2 Dismiss”). [Docket No. 16.] The hearing date on the Rothfuss Motion to Dismiss was originally
3 set for July 11, 2013 at 11:00 a.m.

4 You are hereby notified that the previously scheduled hearing dates for the Wells Fargo
5 Motion to Dismiss and the Rothfuss Motion to Dismiss are VACATED. A hearing on both motions
6 is set for **11:00 a.m. on July 18, 2013** at the U.S. District Court, 1301 Clay Street, Oakland,
7 California 94612. For courtroom number and floor information, please check the Court’s on-line
8 calendar at <http://www.cand.uscourts.gov> (click “Calendars - Judges' Weekly Calendars” link, then
9 select Judge Ryu’s calendar). Any response to the Wells Fargo Motion to Dismiss is due on June
10 13, 2013, and any reply is due on June 21, 2013. The briefing schedule for the Rothfuss Motion to
11 Dismiss is unchanged. The Order to Show Cause is discharged.

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13 IT IS SO ORDERED.

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15 Dated: June 12, 2013



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17 DONNA M. RYU
United States Magistrate Judge